

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MARK M. KAUSHANSKY,

Petitioner,

v.

**Case No. 2:07cv97
(Judge Maxwell)**

WARDEN A. PHILLIPS, Warden

Respondent.

ORDER TO SHOW CAUSE

On November 28, 2007, the *pro se* petitioner initiated this case by filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner paid the required filing fee on December 17, 2007.

Pursuant to LR PL P 83.09, the undersigned has made a preliminary review of the petition and finds that summary dismissal of the same is not warranted. Therefore, the Warden shall have **thirty (30) days** from the date of this Order to show cause why the writ should not be granted. Petitioner has **thirty (30) days** from the date a response is filed to file any reply he may have. Pursuant to Rule 7 of the Federal Rules of Civil Procedure, no other pleadings will be accepted without the express order of the court upon a timely motion duly made.¹

IT IS SO ORDERED.

The Clerk is directed to add Assistant United States Attorney Daniel W. Dickinson, P.O. Box

¹“There shall be a complaint and an answer...[n]o other pleading shall be allowed, except that the court may order a reply to answer...” Fed.R.Civ.P 7(a).

591, Wheeling, WV 26003, as counsel for respondent, and send him both hard and electronic copies of this Order. The Clerk shall also mail a copy of this Order to the *pro se* petitioner.

DATED: December 26, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE